

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PANGANG GROUP COMPANY, LTD.,

Defendant.

Case No. [11-cr-00573-JSW-7](#)

**ORDER DENYING MOTION FOR  
RELIEF FROM NON-DISPOSITIVE  
ORDER AND ORDER REQUIRING  
STATUS REPORT**

Re: Dkt. Nos. 1338-1339

The Court has received and considered the Government's motion seeking relief from Magistrate Judge Cousin's Order denying the Government's motion for a Rule 15 deposition. Judge Cousins determined he lacked jurisdiction to consider the Government's motion, in light of the pending appeal.<sup>1</sup> The Court has reviewed the record presented to Judge Cousins, the Government's objections, and relevant legal authority and concludes a response from Defendants is not required.

The Court concludes Judge Cousins' ruling was neither clearly erroneous nor contrary to law. Fed. R. Civ. P. 72(a); *see also, e.g., Grimes v. City and County of San Francisco*, 951 F.2d 236, 241 (9th Cir. 1991). After Judge Cousins issued his ruling and the day after the Government filed its motion for relief, the United States Supreme Court issued its opinion in *Turkyie Halk Bankasi A.S. v. United States*, in which it concludes the Foreign Sovereign Immunities Act does not apply to criminal cases. 598 U.S. --, -- S.Ct. --, 2023 WL 2992964 (Apr. 19, 2023). Although that opinion resolves the Pangang Defendants' primary argument that they are immune from suit

<sup>1</sup> This Court set a deadline for the Government to file that motion. When it set that deadline, it failed to take into account issues of jurisdiction in light of the pending appeal.

1 under the FSIA, they also argued they were immune from suit under the common law. That issue  
2 was not resolved by *Turkyie Halk Bankasi* and remains on appeal.

3 The Court ORDERS the parties to file a joint status report by no later than May 26, 2023  
4 regarding the status of the appeal before the Ninth Circuit.

5 **IT IS SO ORDERED.**

6 Dated: April 21, 2023

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8 JEFFREY S. WHITE  
9 United States District Judge

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